

1 December 1992

Claims

CLAIMS, DEMANDS, AND LEGAL ACTIONS FOR OR AGAINST THE CIVIL AIR PATROL, THE AIR FORCE, AND THE UNITED STATES

This regulation provides policies and procedures for processing claims, demands, and legal actions against or in favor of Civil Air Patrol, Inc., or the United States Government.

Section A-General

1. Notification. Any time a claim, demand, or legal action is brought against Civil Air Patrol, Inc., the Air Force, or the United States Government for damages allegedly arising out of CAP activities, advise the National Headquarters. Whenever property is damaged or persons are killed or injured, inform Headquarters CAP Corporate Legal Counsel (CLC) and the Staff Judge Advocate (JA). See CAPR 62-2 for Form 78 processing, CAPM 50-16 for special reporting requirements of the Cadet Protection Program.

2. Admission of Liability. Under no circumstances will any CAP member admit liability involving CAP or the United States unless approved by the National Administrator and the Executive Director.

3. Preserving Evidence. Preserving evidence is very important. The unit legal officer should be consulted at the earliest possible time. Time and place of the incident and the names of the witnesses should be recorded immediately. All original orders, letters, records, photographs, or other documents must be preserved. CAPR 62-2 contains restrictions in serious accident cases. In reporting accidents and incidents, it is important to report facts only, NOT conclusions!

Section B-Claims Against the United States Government

4. Purpose. This section covers claims by third parties injured or damaged by CAP activities while on an Air Force assigned noncombat mission of the Air Force. Acceptance and processing of a claim is not an admission of liability, responsibility, or obligation of the United States.

5. Preparation and Processing of Claims. Claims against the Air Force are presented in the following manner:

- a. A claimant may obtain claims forms from any Air Force claims office or have the CAP-USAF liaison office obtain them for him.
- b. The claimant is responsible for compiling the information required by the claims forms.
- c. The completed claims forms should be presented by the claimant to the Air Force claims office nearest to where the accident or incident occurred.

6. Exclusions. The Air Force will not pay the following types of claims:

- a. Claims arising out of CAP activities when the Air Force has not requested or authorized CAP to participate on a mission or when the accident or incident occurs outside the time limit for the mission specifically assigned by the Air Force.
- b. Claims for the use of or depreciation of privately owned property used by CAP, its senior members, or cadets.
- c. Claims for damage to or loss of privately owned property resulting from acts or omissions of the owner or operator.
- d. Claims for personal services or expenses incurred by CAP, its senior members, or cadets.
- e. Claims based solely on government ownership of property on loan to CAP.

Section C-Claims, Demands, and Legal Actions Against Civil Air Patrol, A Corporation

7. Claims, Demands, or Legal Actions for Damages. Claims, demands, or legal actions for damages may be instituted against CAP because of alleged corporate activities. Use normal business hours, except in emergencies, to inform National Headquarters (JA and CLC) immediately of the existence and current status of claims, demands, or legal actions.

8. Procedures:

- a. Contact the local legal officer immediately.
- b. The originals or copies of all legal documents such as complaints; declarations; summonses; correspondence from attorneys or insurance companies; and other related documents, such as statements of witnesses, investigation reports, records; diagrams, etc., shall be forwarded to National Headquarters JA and CLC by FAX or overnight mail. The cover letter should include action taken or contemplated and any pertinent circumstances that do not otherwise appear in the file.
- c. This regulation shall not be construed to indicate that actions shall not be taken to protect the corporation and interested individuals. There is normally ample time to notify the insurance agency and National Headquarters. However, if immediate action is required to prevent default judgment in a lawsuit, etc., take the necessary action and make a report to the insurance agent with a copy to National Headquarters JA and CLC.

d. When CAP property is stolen, misappropriated, damaged, or destroyed, a full report of the facts should be made to the commander. If it appears that the loss or damage can be recovered, the wing commander shall be notified of all of the facts with an informational copy to National Headquarters JA and CLC. The wing commander, upon complete review of the facts, will make a recommendation to the National

OFFICIAL

Signed

WILLIAM M. HENDRIX, SR., Major, r, USAF
Director of Administration

Commander on the advisability of bringing a law suit to recover damages.

9. Authority to Sue. As a legal entity, Civil Air Patrol, Inc., has the authority to sue. No law suits to recover damages or legal claim of any kind in the name of Civil Air Patrol, Inc., shall be brought without the approval of the National Commander, NEC or National Board.

RONALD T SAMPSON, Colonel, USAF
Executive Director

WARREN J. BARRY, Brigadier General, CAP
National Commander

SUMMARY OF CHANGES

These changes were required to reflect changes in other regulations required by the employment of new insurance carriers.